

87th Legislative Session – 2012

Committee: House Local Government

Tuesday, February 07, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Feickert
P Kloucek
P Schrempp
P Magstadt
P Munsterman
P Nelson (Stace)
P Olson (Betty)
P Rausch
P Tornow
P Tulson
P Venner
P Cronin, Vice-Chair
P Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice Chairman Cronin.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2012

Moved by: Feickert
Second by: Schrempp
Action: Prevailed by voice vote.

HB 1243: require that notice be provided before certain drainage activities are undertaken.

Presented by: Representative Brock Greenfield

MOTION: TO TABLE HB 1243

Moved by: Munsterman
Second by: Feickert
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Feickert, Kloucek, Schrempp, Magstadt, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin

Excused: Kirkeby

HB 1066: allow for the cremation of deceased persons who are indigent and the funeral expenses are the financial responsibility of the county.

Presented by: Representative Bob Deelstra
Proponents: Bob Miller, Funeral Director's Association

MOTION: AMEND HB 1066

1066fc

On page 2, line 5, of the printed bill, overstrike "shall" and insert "may".

On page 2, line 6, overstrike "county commissioner in whose district death occurred" and insert "board of county commissioners. The determination whether the decedent is buried or cremated may be made by the next of kin, if any, otherwise by the board of county commissioners".

Moved by: Rausch
Second by: Olson (Betty)
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1066 AS AMENDED

Moved by: Magstadt
Second by: Rausch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Feickert, Kloucek, Schrempp, Magstadt, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin

Excused: Kirkeby

HB 1130: revise the fee schedule for certain documents filed with the county register of deeds, to create a county and statewide fund for the purpose of modernizing and preserving records, and to distribute certain revenue.

Presented by: Representative Charles Turbiville
Proponents: Roger Tellinghusen, SD Association of County Officials
Margo Northrup, SD Association of Rural Water Systems
Darin Bergquist, Department of Transportation
Julie Risty, Association of County Officials, Sioux Falls

MOTION: AMEND HB 1130

1130fd

On page 2, line 19, of the printed bill, overstrike "and" and insert
"

- (5) For recording an easement filed by any entity created by chapter 34A-5, 46A-3A, or 46A-9 or any nonprofit engaged in the treatment, distribution, and sale of water to rural consumers or any document filed by the Department of Transportation pertaining to the acquisition of highway right-of-way, the sum of twenty dollars for the first three pages plus two dollars for each additional page or fraction thereof; and".

On page 2, line 20, overstrike "(5)" and insert "(6)".

On page 6, line 19, delete "and (4)" and insert "(4), and (5)".

Moved by: Rausch
Second by: Munsterman
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1130 AS AMENDED

Moved by: Munsterman
Second by: Feickert
Action: Prevailed by roll call vote. (11-1-1-0)

Voting Yes: Feickert, Kloucek, Schrempp, Magstadt, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Tulson, Venner, Cronin

Voting No: Tornow

Excused: Kirkeby

HB 1127: require county registers of deeds to record the names of persons who inspect or copy certain recorded instruments.

Presented by: Representative Jim Bolin

Opponents: Julie Risty, Association of County Officials, Sioux Falls
Chauncey Shrake, South Dakota Land Surveyors

MOTION: DEFER HB 1127 TO THE 41ST LEGISLATIVE DAY

Moved by: Tulson

Second by: Magstadt

Action: Prevailed by roll call vote. (10-0-3-0)

Voting Yes: Feickert, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin

Excused: Schrempp, Nelson (Stace), Kirkeby

HB 1163: allow subdivisions of government to operate as organizations formed under § 58-18-52 for the purchase of health insurance.

Presented by: Representative Dan Dryden

Proponents: Malcolm McKillop, South Dakota Association of School Boards
Margo Northrup, SD Association of Rural Water Systems

MOTION: DO PASS HB 1163

Moved by: Munsterman

Second by: Venner

Action: Prevailed by roll call vote. (10-1-2-0)

Voting Yes: Feickert, Kloucek, Magstadt, Munsterman, Nelson (Stace), Olson (Betty), Rausch, Tulson, Venner, Cronin

Voting No: Tornow

Excused: Schrempp, Kirkeby

HB 1222: limit the authority of South Dakota delegates to an Article V convention to amend the United States Constitution, to prohibit any delegate from exceeding

such authority, and to provide certain penalties therefor.

Presented by: Representative Manny Steele
Opponents: Rita Houghlum, Eagle Forum
Eldon Stahl, Self, Mitchell (Handouts: #2)
Linda Schauer, Concerned Women For America

MOTION: DEFER HB 1222 TO THE 41ST LEGISLATIVE DAY

Moved by: Munsterman
Second by: Rausch
Action: Prevailed by roll call vote. (8-3-2-0)

Voting Yes: Feickert, Schrempp, Magstadt, Munsterman, Olson (Betty), Rausch, Tulson, Venner

Voting No: Nelson (Stace), Tornow, Cronin

Excused: Kloucek, Kirkeby

HB 1224: allow voters to petition for the at large election of county commissioners.

Presented by: Representative Lance Russell
Proponents: Craig Shaver, Self, Sturgis
Opponents: Jeramy Pankratz, South Dakota County Commissioners Assn.

MOTION: DO PASS HB 1224

Moved by: Tornow
Second by: Nelson (Stace)
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1224 TO THE 41ST LEGISLATIVE DAY

Moved by: Kirkeby
Second by: Schrempp
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Feickert, Schrempp, Magstadt, Rausch, Tulson, Cronin, Kirkeby

Voting No: Munsterman, Nelson (Stace), Olson (Betty), Tornow, Venner

Excused: Kloucek

HB 1230: modify the publication requirements regarding the application for a well driller license or a well pump installer license.

THE CHAIR DEFERRED HB 1230 UNTIL ANOTHER DAY

HB 1184: permit public bodies to keep minutes of executive session and to restrict who may review the minutes.

Presented by: Representative Mark Kirkeby
Proponents: David Bordewyk, SD Newspaper Association
Opponents: Yvonne Taylor, SD Municipal League
Bob Wilcox, SD Association of County Commissioners
Dick Howard, SD Association of Towns and Townships

MOTION: DEFER HB 1184 TO THE 41ST LEGISLATIVE DAY

Moved by: Rausch
Second by: Feickert
Action: Failed by voice vote.

MOTION: SUBSTITUTE MOTION DO PASS HB 1184

Moved by: Nelson (Stace)
Second by: Venner
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Munsterman, Nelson (Stace), Venner, Cronin

Voting No: Feickert, Schrempp, Magstadt, Olson (Betty), Rausch, Tornow, Tulson, Kirkeby

Excused: Kloucek

THE MOTION TO DEFER HB 1184 TO THE 41ST LEGISLATIVE DAY

Moved by: Rausch
Second by: Feickert
Action: PREVAILED BY ROLL CALL VOTE. (7-4-2-0)

Voting Yes: Feickert, Schrempp, Magstadt, Rausch, Tornow, Tulson, Cronin

Voting No: Munsterman, Nelson (Stace), Venner, Kirkeby

Excused: Kloucek, Olson (Betty)

HB 1241: require township board approval for certain utility facilities located near township roads.

Presented by: Representative David Sigdestad

Proponents: Dick Howard, SD Association of Towns and Townships

Opponents: Darla Pollman-Rogers, SD Rural Electric Association

Greg Dean, SD Telecommunications Association

Jeff Carmer, Century Link, Sioux Falls

Cheryl Riley, ATT, Cheyenne, Wyo

Bob Wilcox, SD Association of County Commissioners

Jeff Mehlhaff, SDMEA, Ft. Pierre

Hunter Roberts, Governor's Office of Economic Development

MOTION: AMEND HB 1241

1241ta

On page 2, line 1, of the printed bill, delete "adjacent to a road" and insert "in a highway right-of-way".

Moved by: Nelson (Stace)

Second by: Tornow

Action: Prevailed by voice vote.

MOTION: DEFER HB 1241 TO THE 41ST LEGISLATIVE DAY

Moved by: Venner

Second by: Tulson

Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Magstadt, Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin, Kirkeby

Voting No: Feickert, Schrempp, Nelson (Stace)

Excused: Kloucek

MOTION: ADJOURN

Moved by: Rausch

Second by: Munsterman

Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Justin Cronin, Vice Chair